

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

RUDY DEPAZ-ALFONSO,

Petitioner,

Case No. C11-1645-JLR-BAT
(CR10-350-JLR)

V.

UNITED STATES OF AMERICA,

Respondent.

REPORT AND RECOMMENDATION

Rudy Depaz-Alfonso filed a pro se 28 U.S.C. § 2255 motion in which he sought to

“reinstate his appellate rights” to challenge the 27-month sentence he received after pleading

guilty to Unlawful Entry by Eluding Examination and Inspection by Immigration Officers. Dkt.

1. After reviewing the motion and the government's response, the Court ordered an evidentiary

hearing and appointed counsel. Dkt. 11, 19.

On May 31, 2012, Mr. Depaz-Alfonso, his attorney Suzanne Elliot, and Assistant United

19 States Attorney Jerrod Patterson appeared at the scheduled evidentiary hearing. Mr. Depaz-

20 Alfonso indicated that after consulting with his lawyer, he no longer wished to proceed with the

21 action and requested his § 2255 motion be dismissed. The government had no objections to this

22 request. The Court therefore recommends:

(1) The matter be **DISMISSED** with

(1) The matter be **DISMISSED** with prejudice;

1 (2) If this recommendation is adopted, it should be approved immediately.

2 A proposed order accompanies this Report and Recommendation. The Clerk shall provide
3 the parties and the Honorable James L. Robart a copy of this Report and Recommendation.

4 DATED this 31st day of May, 2012.

5 
6 BRIAN A. TSUCHIDA
7 United States Magistrate Judge